

Appl. No. 09/742,229  
Nortel Docket Number 11958ROUS01U  
Attorney Docket No. 123-005

### Remarks

Claims 36 - 58 have been canceled. Claims 59-61 are currently pending. Re-consideration and re-examination of this application is respectfully requested in view of the above amendments and below remarks.

### Rejections under 35 U.S.C. §112

Claim 48 was rejected under 35 U.S.C. §112, second paragraph, for being indefinite and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 48 has been canceled, without prejudice or disclaimer, by way of this amendment.

### Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

Claim 36 was rejected under 35 U.S.C. §102(e) as being anticipated by Merchant *et al.* (U.S. Patent Number 6,081,523). Claims 37, 38 and 42-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Merchant in view of Irwin (5,841,771). Claims 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Merchant in view of Rochberger *et al.* (U.S. Patent Number 6,577,653). Claims 52-55 were rejected under 35 U.S.C. §102(e) as being anticipated by Rotolo *et al.* (U.S. Patent Number 6,542,268). Claim 56 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rotolo in view of Grow (U.S. Patent 6,629,147). Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grow in view of Aicklen (U.S. Patent Application 2003/0067653).

Applicant strongly disagrees with the rejections set forth above with regard to claims 36-58, but have cancelled the claims at this time to expedite issuance of allowed claims 60-61. Claim 59, which now depends from claim 60, is allowable with claim 60.

Appl. No. 09/742,229

Nortel Docket Number 11958ROUS01U

Attorney Docket No. 123-005

### **Allowable Subject Matter**


Applicant thanks the Examiner for the indication that claims 60 and 61 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As directed, Applicant has amended claim 60 to include all the limitations of base claim 58, and cancelled claim 58. As stated above, claim 59, previously depending from claim 58, has been amended to depend from claim 60. Claim 61 depends directly from claim 60, believed to be allowable.

### **Conclusion**

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicant's Attorney at 978-264-6664 extension 304 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

  
Lindsay G. McGuinness  
Registration number 38,549  
Attorney for Applicant  
978-264-6664 x 304

March 28, 2005